

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KERWIN D. SCOTT,

Plaintiff,

v.

TERRY RUSSELL, et al.,

Defendants.

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Case No. 4:13CV255 TIA

**MEMORANDUM AND ORDER**

This matter is before the Court on “Plaintiff Motion Asking the Court to Direct Defendant’s [sic] to Respond in the Interest of Justice - to Achieve the Ends of Justice” (Docket No. 37).

The undersigned notes that the pleading fails to include a certificate of service so as to demonstrate when, or if, Defendants were served with “Plaintiff Motion Asking the Court to Direct Defendant’s [sic] to Respond in the Interest of Justice - to Achieve the Ends of Justice.” Fed. R. Civ. P. 5(a)(1) (general requirement of service of all papers on all parties). A review of the certificate of service shows that Plaintiff listed the Court as the recipient of the copy of the pleading rather than Defendants’ counsel. Rule 5(d) requires that all papers include a certificate of service to reflect that a copy was sent to **opposing counsel** as required by Rule 5(a), Fed. R. Civ. P. An acceptable certificate of service could state, “I certify that a copy of the foregoing was mailed, postage prepaid, in the U.S. Mail on this \_\_\_\_ day of July, 2013, to: H. Anthony Relys, Attorney General of Missouri, P.O. Box 861, St. Louis, MO 63188.” “Plaintiff Motion Asking the Court to Direct Defendant’s [sic] to Respond in the Interest of Justice - to Achieve the Ends of Justice” should be denied without prejudice. Accordingly,

**IT IS HEREBY ORDERED** that “Plaintiff Motion Asking the Court to Direct Defendant’s [sic] to Respond in the Interest of Justice - to Achieve the Ends of Justice”(Docket No. 37) is returned to Plaintiff without filing.

**IT IS FURTHER ORDERED** that in the future, Plaintiff shall include a certificate of service<sup>1</sup> on each separate pleading he files in this matter as stated in this Order, or the pleading will be returned to Plaintiff without filing.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall send another copy of the Order entered on July 3, 2013 (Docket No. 34) wherein the undersigned directed Plaintiff to submit an amended complaint on the Court-provided form no later than August 5, 2013.

**IT IS FURTHER ORDERED** that the Clerk shall mail to Plaintiff another Civil Complaint form.

Dated this 17th day of July, 2013.

/s/Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>An acceptable certificate of service could state, “I certify that a copy of the foregoing was mailed, postage prepaid, in the U.S. Mail on this \_\_\_\_ day of July, 2013, to: H. Anthony Relys, Attorney General of Missouri, P.O. Box 861, St. Louis, MO 63188.” A certificate of service in approximately this format must be included on every pleading submitted to the Court for filing.